

How Violations Are Settled

Notices of Violation are resolved through the Air District's Mutual Settlement Program or referred for possible legal action to our District Counsel's Office.

Our Mutual Settlement Program gives violators a way to settle their case out of court, by correcting their violation and agreeing to pay a certain penalty. The size of their penalty depends upon the nature of their violation, its duration, and their past history of compliance.

If the case is not resolved by Mutual Settlement, it will be referred along with more serious violations to our District Counsel's Office for legal action. Some of these cases will still be settled out of court, but others may result in civil lawsuits. An unusually serious violation might even result in criminal prosecution.

If we cite a facility more than twice for the same problem, we will invite its representatives to an office conference and attempt to work out a satisfactory resolution. If violations continue, we can request that an Order of Abatement be placed on the facility. An Order of Abatement requires the facility to change its equipment or operations within a specific time limit. Failure to comply can result in more penalties and stricter legal actions.

Not All Complaints Lead to Violations

A few of the complaints we receive concern problems over which we have little or no jurisdiction, or involve air pollution to only a minor degree: for example, complaints arising from backyard feuds between residential neighbors, from the release of natural contaminants like pollen, or from emissions of very low concentrations of pollutants that affect an extremely sensitive individual without having an impact on the broader community.

Although our inspectors may be unable to take action in these cases, they will still thoroughly investigate each complaint. If necessary, they will alert other government agencies with more direct oversight.

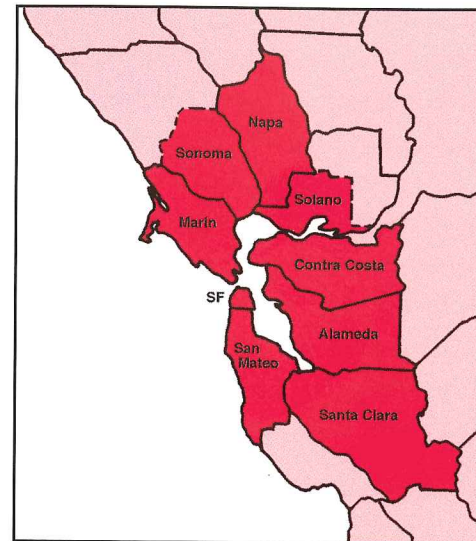
Complaint Guideline Summary

- The Air District maintains a toll-free complaint line, 24 hours a day: **1-800-334-ODOR**.
- Every air pollution complaint we receive will be investigated.
- Everyone making a complaint will be contacted personally unless he or she requests otherwise.
- The names and addresses of people making complaints will be kept **confidential**; they will not be divulged to anyone but Air District staff, except when required in legal cases.

Who We Are

We're the Bay Area Air Quality Management District (BAAQMD). Since 1955, we've served as a regional agency regulating stationary sources of air pollution, such as factories, industrial sites, and gasoline stations. We have jurisdiction over nine counties—Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara, southwest Solano, and southern Sonoma. Our regulations control such things as open burning, incineration, smoke, odors, the use of paint and other evaporative compounds, and gasoline-dispensing equipment. We also monitor asbestos removal during renovation and demolition projects.

Our Jurisdiction



How to Reach Us

Bay Area Air Quality Management District



939 Ellis Street
San Francisco, CA 94109
www.baaqmd.gov
www.sparetheair.org

Phone Numbers

Air Pollution Complaints	(800) 334-ODOR
Report Smoking Vehicles	(800) EXHAUST
Bay Area Air Quality Reports	(800) HELP AIR
• Daily Air Quality Readings & Forecasts	
• Spare the Air Advisories	
• Agricultural Burn Days	
• Informational Materials	
Permit Services	(415) 749-4990
Public Information Office	(415) 749-4900
All Other District Business	(415) 771-6000

Air Quality Complaint Procedures

BAY AREA AIR QUALITY
MANAGEMENT DISTRICT

When You Detect an Odor...

If you're concerned because you smell a strong odor in your neighborhood, or see a lot of dust or smoke—what can you do?

Call the Bay Area Air Quality Management District's toll-free complaint hot line:
1-800-334-ODOR.

Each year, we get about 4,000 air quality complaints from members of the public. Responding to these complaints is one of our highest priorities. Only industrial violations—such as a factory stack belching thick smoke—are considered more urgent than calls from the public.

How to Make a Complaint

To make a complaint, call our 24-hour, toll-free line: 1-800-334-ODOR. Call as soon as you notice a persistent or uncommon odor or see an unusual amount of dust or smoke. The sooner you call, the sooner an inspector can be sent to investigate the situation.

If you call to report an odor, you can help us by describing it. Get creative—try to associate the smell with something familiar like rotten eggs, spoiled cabbage, burned plastic, swimming pool chlorine, garlic, or asphalt. Useful descriptive words include oily, musty, metallic, pungent, sweet, sour, light, or heavy. Some chemicals can very nearly be identified by a good description of their odor.

When you call, let us know whether the odor is steady or on-again, off-again. You should also follow up and call in each day that the odor (or dust or smoke) continues.

How We Handle Your Complaints

During Business Hours

We will respond quickly to all complaints received during regular business hours—between 8:30 AM and 5:00 PM, Monday through Friday. First, one of our radio dispatchers will take your call and ask you some questions about the nature of your complaint. The dispatcher will take down your name and address, but keep them strictly *confidential*. (You can also make an anonymous complaint, but these are less effective since they cannot be “confirmed,” as explained a little further below.) The radio dispatcher will then relay your complaint to an inspector for investigation.

The Air District has divided the Bay Area into a number of different regions, and assigned an inspector to each one. Normally, the radio dispatcher who takes your call will refer your complaint to the inspector assigned to your area. If the area inspector is unavailable, the dispatcher will send out an alternate inspector as soon as possible.

During Non-Business Hours

Your call will be answered 24 hours a day. Complaints received after 5:00 PM or on a weekend will ordinarily be dispatched to an inspector at 8:30 AM the following workday.

However, if we receive several complaints during non-business hours about a single facility, a supervising inspector will be contacted. The supervising inspector will call the area inspector to make an immediate investigation.

Investigations

Every air pollution complaint we receive will be investigated.

Unless you request otherwise, the area inspector will most likely begin his or her investigation by coming to see you personally. We consider a complaint to be “confirmed” if an inspector smells the odor, or views the dust or smoke, in the presence of the person who originally called in the complaint.

When you complain about a facility that is known to have pollution problems, however, the inspector may start the investigation at the site itself and contact you afterwards.

Sometimes, by the time the inspector arrives on the scene, the odor has gone away, or the dust or smoke have disappeared. But even if the inspector cannot confirm your complaint, he or she will fill out a complete report. We keep a permanent record of all complaints about facilities in the Bay Area.

What We Do About Your Complaints

If the investigation of your complaint reveals either a “public nuisance” situation or a violation of Air District regulations, our inspectors can issue a *Notice of Violation*.

Notice of Violation

Notices of Violation are written citations informing a facility that it has violated a specific air quality regulation or rule. They usually result in a penalty or fine intended to discourage repeat violations.

Violators will generally be required to respond to the notice within ten days and submit a description of the actions they will take to correct their problem. Their actions can include shutting down operations immediately, changing their operations or equipment so that they immediately come into compliance, or applying for a variance from our regulations until the violation can be fixed.

Public Nuisance Law & District Rules

Facilities can be cited for violating the State of California's “public nuisance” law, which prohibits emissions that cause bad odors, health problems, property damage, or other nuisances in the community (California Health and Safety Code §41700).

Facilities can also be cited for violating one of the Air District's own air pollution regulations, such as our rule concerning offensive odors. Many violations of our regulations are discovered during the course of an inspector's normal duties, before there are any complaints from the public.